

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-9 and 13-22 are allowed, subject to examiner's amendment described below.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony Zelano on April 23, 2009.

The application has been amended as follows:

Claims 10-12 have been cancelled.

3. The following is an examiner's statement of reasons for allowance: the prior art does not disclose or fairly suggest a re-sealable strip device for drying and storage of micro-organisms comprising: a strip comprising a primary water absorbent preparation containing at least one water absorbent substance and at least one protective substance; and a housing for said strip having one or more re-sealable access windows over said water absorbent preparation which when sealed provide a closed, water-impermeable system around the strip, wherein said housing contains only one strip. The closest prior art that the examiner has been able to locate is Schoedel (US 6,927,062).

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Schoedel discloses a strip device for drying and storing micro-organisms (abstract).

The porous carrier material is adhered to the distal end of a support member to form a strip (col. 3 lines 53-55). The porous carrier material is considered the primary water absorbent preparation. The porous carrier material contains at least one water absorbent substance and at least one protective substance (col. 4 lines 53-58). The applicant discloses that protective substances include carbohydrates, polymers, peptides, and protein based preparations and fractions (pg. 10 lines 17-24). Thus, the examiner considers the proteins listed by Schoedel to be the protective substance. The control strips can be stored in a ZIPLOCK bag which is impervious to light and moisture (col. 12 lines 55-57). Thus, the bag is re-sealable. While Schoedel is similar to the instant application in many respects, there are clear patentable distinctions. The re-sealable container that is disclosed in Schoedel houses more than one strip. Also, housing for the strip does not have one or more re-sealable access windows over the water absorbent preparation. This allows a worker to access the strip via a window over the water absorbent preparation on the strip. A single string can be loaded with a small amount of micro-organism sample and to reseal the strip with the re-sealable cover. Thus, the strip can be handled aseptically, transported and stored under conditions where the microorganisms on the test strips do not have any contact to the environment and other test strips.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLEN S. WOOD whose telephone number is (571)270-3450. The examiner can normally be reached on M-F 730-5 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rena L. Dye/
Supervisory Patent Examiner, Art Unit 1794